

CHAMBERS OF
ANDRE M. DAVIS
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT

DISTRICT OF MARYLAND

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CLERK U.S. DISTRICT COURT
DISTRICT OF MARYLAND

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January 30, 2001

U.S. COURTHOUSE
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MEMORANDUM TO COUNSEL RE: Shreve v. Sears, Roebuck & Co.
Civil No. AMD 00-2162

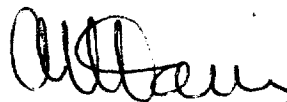
I wish simply to acknowledge Mr. Perkins's letter dated January 26, 2001.

I note that complaint is made as to the approval of defendants' motion to enlarge time for filing of dispositive motions before plaintiffs filed their opposition to the motion. I think this points up the danger in lawyers calling chambers, which, frankly, seems to be on the increase, and beyond all reasonable need (or necessity) for their doing so. The message that was left for me by one of my staff after speaking to someone from the office of plaintiffs' counsel was that "plaintiffs agree with defendant's motion." At the time I saw that message, I had not even received my copy of the defendant's motion. Thus, while I now understand that, apparently, what plaintiffs intended to "agree to" was the "shorten time" motion which defendants also filed, I took it to be that there was no objection to an enlargement of time to file dispositive motions.

I simply make two basic points. First, lawyers use the telephone to call judges far too often for communications that should be submitted in writing (or which are not necessary anyway) so as to avoid misunderstanding. Second, it seems particularly unsporting for plaintiff to object under circumstances in which plaintiffs have essentially attempted, at the eleventh hour, to expand the parameters of the lawsuit.

In any event, I look forward to the briefing on the outstanding issues. Counsel will be notified if I determine that a hearing is appropriate.

Very truly yours,



Andre M. Davis
United States District Judge

AMD:tt
cc: Court file

